Governor's Domestic Violence Fatality Review Board 2015 Annual Report

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Kansas
Office of the Governor
DOMESTIC VIOLENCE FATALITY REVIEW BOARD

Mark Malick Chairperson

The Honorable Sam Brownback
Governor, State of Kansas
Capitol Building
Topeka, Kansas 66612-1590
Domestic Violence Fatality Review Board Annual Report

Dear Governor Brownback:

On behalf of the entire membership of the Governor's Domestic Violence Fatality Review Board I am pleased to forward the 2015 Annual Report. The Report reflects the ongoing efforts of our members as we work to improve the response to Domestic Violence in our society.

As is customary, a primary focus of the Board is the in depth review of domestic violence homicide cases in Kansas. In addition to those reviews, the Board dedicated time during quarterly meetings and countless hours individually to develop strategies to increase the effectiveness of the board through timely case reviews and successfully implementing recommendations brought forward by the Board, which are all highlighted in this annual report.

I would like to thank the individual Board Members for their continued support, work and dedication to this all so important cause. Also, a very special thanks to Ms. Debi Holcomb, our Board analyst, whose organization and dedication maintains the focus and direction of the Board, and without her the detailed annual report would not be possible.

The board is a dedicated group of professionals who maintains a single vision, which is reducing the incidents of domestic violence in Kansas, which all too often leads to fatalities, separation of families, and other costly consequences to the good people of Kansas.

In speaking for the entire board, we offer a sincere thank you for the continued support you and your office give towards our efforts.

Respectfully,

Mark K. Malick
Chairperson

January 2016

Governor's Domestic Violence Fatality Review Board 2015 Annual Report

The Governor's Domestic Violence Fatality Review Board (DVFRB) was established on October 11, 2004 by Executive Order 04-11. The mandate set out in the order is to recommend improvements to prevent future fatalities and determine if adequate resources and training are in place for those who respond to domestic violence crimes.

2015

The 11th year of the Governor's Domestic Violence Fatality Review Board (DVFRB) was one of information gathering and evaluation to assure the work of the board is effective and helpful in reducing intimate partner homicides in Kansas.

The Honorable Judge Flaigle resigned as chair of the board and Mark Malick, Kansas Bureau of Investigation, was appointed as the new chair. Three new members, Michael Radke, Garden City Police Department, Pastor David Meier, St. Peter's Lutheran Church, Humbolt, and Audrey Cress, Director of Victim Services of the Kansas Department of Corrections, were appointed as board members. Justin Shaw, Kansas City Anti-Violence Project, began serving as an Advisory member. Stephanie Russo, Family Peace Initiative, and Juliana Carlson were chosen to serve as advisory members and their names were forwarded to the Office of the Governor for consideration for membership. Four intimate partner homicides cases, two which were homicides and two which were homicide/suicide, were reviewed in detail in the past year.

THE FUTURE

The DVFRB recommended the work of the board move from the authority of an Executive Order to a statute. The board is also recommending lethality assessments be conducted at several points in systems. Information on these two recommendations is discussed in more detail on the following page.

2015 DVFRB MEMBERS

CHAIR MARK MALICK
JACKSON COUNTY—KANSAS BUREAU OF INVESTIGATION

DAVE WARRY
RENO COUNTY—KANSAS LAW ENFORCEMENT TRAINING CENTER

JOYCE GROVER
SHAWNEE COUNTY—KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

CURT BRUNGARDT
ELLIS COUNTY—JANA'S CAMPAIGN

PAULA TAYLOR, R.N., PHD.
LYON COUNTY—COMMUNITY MEMBER

AUDREY CRESS, LMSW
SHAWNEE COUNTY—KANSAS DEPARTMENT OF CORRECTIONS

REVEREND DAVID MEIER
ALLEN COUNTY—ST. PETERS LUTHERAN CHURCH

MICHAEL RADKE
FINNEY COUNTY—GARDEN CITY POLICE DEPARTMENT

STEVEN HALLEY, LSCSW
SHAWNEE COUNTY—FAMILY PEACE INITIATIVE

JUSTIN SHAW (ADVISORY MEMBER)
KANSAS CITY METROPOLITAN AREA—KANSAS CITY ANTI-VIOLENCE PROJECT

MEMBERS WHO RESIGNED IN 2015

JUDGE HAROLD FLAIGLE
SEDGWICK COUNTY—18TH JUDICIAL DISTRICT
2004—2015

DEBORAH MOODY
DOUGLAS COUNTY—PROSECUTOR
2010—2015

MEMBERS ARE APPOINTED BY THE GOVERNOR

FOCUS GROUP HIGHLIGHTS

Focus Groups

Intimate partner violence continues to happen too often in Kansas with nine intimate partner homicides in 2014 alone. In an effort to learn what is effective about the work of the DVFRB, how to improve, and consideration of the board placed into law, nine focus groups were conducted in 2015. The purpose of the focus groups is to explore the perception of the Domestic Violence Fatality Review Board and gather input from communities in Kansas regarding the work of the board and efforts to prevent future intimate partner homicides.

⇒ Nine communities & 109 participants from 16 disciplines participated.

⇒ Each community has experienced intimate partner homicide and/or homicide/suicide.

⇒ Each community believes the DVFRB is valuable, needs to be permanent and needs to include "near death cases."

⇒ Each community sees value in reviewing cases to reduce intimate partner homicides.

⇒ Each community wants the results and recommendations of the DVFRB communicated back to them.

⇒ A majority of communities would like to participate in reviews of cases from their region/community with appropriate protections in place.

⇒ A majority of communities suggested the board look at cases sooner and wait for convictions, but not appeals, before reviewing.

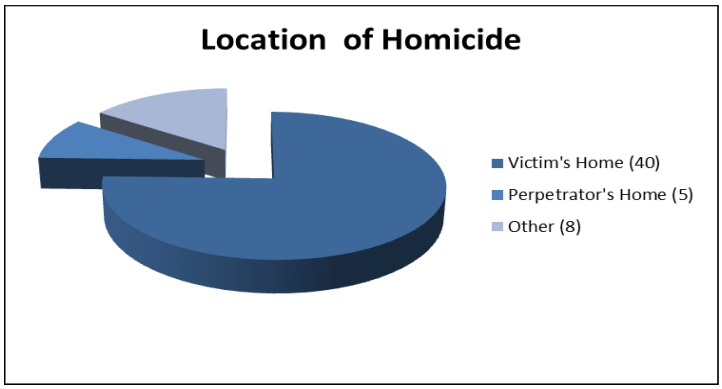
"It would be helpful to learn if we could have done something different."

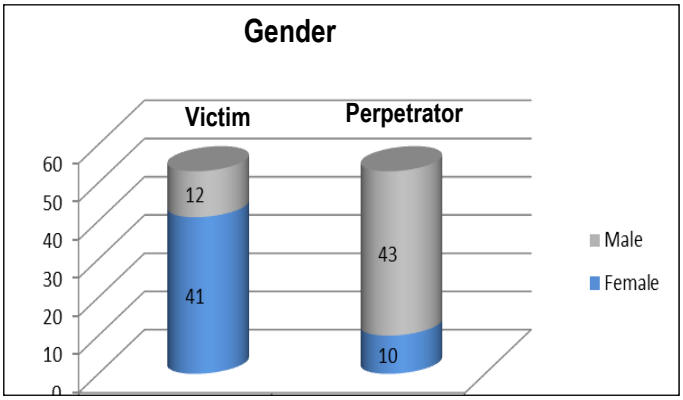
"...we could see gaps in our community."

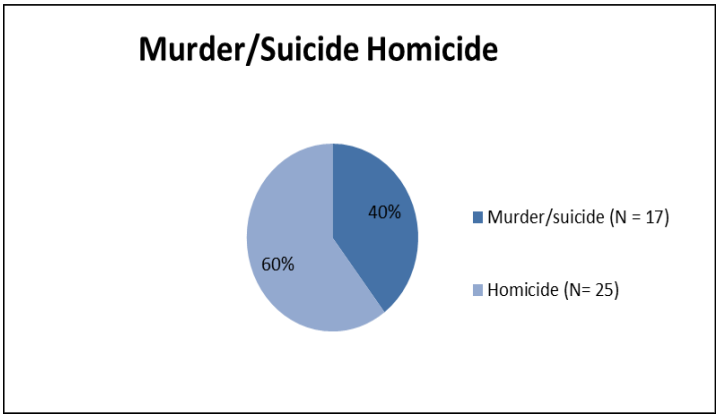
Quotes from focus group participants

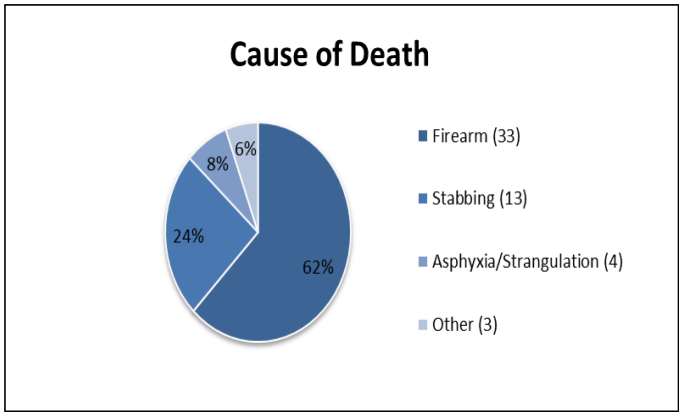
STATISTICS 2004—2015
OF FIFTY-THREE CASES REVIEWED BY THE DVFRB

Race	Victims	Perpetrators
White	70%	72%
Black	26%	26%
Asian	4%	2%
Average Age	37 years	40 years









RECOMMENDATIONS 2015

In an effort to reduce intimate partner homicides, the DVFRB recommends lethality assessments, using validated tools, be conducted at several points in communities to include when law enforcement is called to domestic violence incidents and when individuals apply for Protection from Abuse Orders.

When reviewing intimate partner fatalities, the DVFRB identifies red flags, develops a timeline and tries to determine who, if anyone, knew the relationship was abusive. Although some couples are more isolated than others, in the cases reviewed, there is always someone aware of a problem in the relationship prior to an intimate partner homicide or homicide/suicide. Through the case review process, the DVFRB has learned there are often numerous systems involved in the lives of the couples. However, there are times the couple has no connection to the most common formal systems. Some victims do contact law enforcement as a strategy to help them, but in 2015, the fatalities reviewed reminded the board that sometimes law enforcement has never been involved and often victims are not connected to their local domestic violence agency.

Lethality and danger assessments used by law enforcement have been developed and are available for use to assist with prevention of intimate partner homicides. Lethality assessments programs (LAP) are tailored to each community but generally ask victims a series of questions to help understand the level of danger their partner is posing. If the victim answers positive to a certain number of questions, law enforcement immediately connects the victim to their local domestic violence agency for safety planning and resources. Between 2005 and 2013, since implementation of their LAP, Maryland has seen a 29% decrease in adult intimate partner homicides and the Greater Newburyport Domestic Violence High Risk team in Massachusetts reports no homicides in communities who participated in their project.

Here in Kansas, Johnson County developed a LAP after an intimate partner homicide in 2011. Since implementation of the program, intimate partner homicides reduced from five in 2011 to zero in 2015. The LAP includes intensive collaboration between victim advocates, law enforcement, and the prosecutors' office. Victims are connected to services immediately, law enforcement follows up at the victims' home and the district attorney receives the lethality assessment.

In recognizing the fact that some victims do not contact law enforcement, a friend of a victim of intimate partner homicide talked with her local prosecutor and local domestic violence agency to see what may have helped her friend. In a collaborative effort, Johnson County began conducting the lethality assessment with individuals applying for protection orders in an effort to fill a gap and possible missed opportunity. Johnson County began using the lethality assessments with individuals applying for protection orders in December 2014. Fifty to 60% of those have been considered high lethality and were connected immediately to SAFEHOME, the local domestic violence agency.

The DVFRB believes the implementation of lethality assessments in communities at points victims seek remedies, whether it be in the criminal justice system or a civil process, will reduce danger to victims of intimate partner homicide.

CONTINUING EDUCATION

The DVFRB receives on-going education and information throughout the year to remain aware of current practices and what is occurring in Kansas and across the nation related to intimate partner violence. In 2015:

- Janee` Hanzlick, Executive Director of SAFEHOME, Steve Howe, Johnson County District Attorney and Jan Helfer, community member presented information on the lethality assessment pilot project to the DVFRB.
- Joyce Grover, Executive Director of the Kansas Coalition against Sexual and Domestic Violence (KCSDV) presented the work of the coalition in Kansas.
- Jessica Nasternak, KCSDV, provided an overview of the history of the strangulation bill in Kansas.
- The board reviewed fatality review board statutes and executive orders from other states.
- The board reviewed strangulation statutes from other states.

RECOMMENDATIONS 2015

The DVFRB supports changes to Kansas statutes that will mirror federal firearms restrictions for domestic violence offenders and those subject to a protection order.

A domestic violence victim is 8 times more likely to be murdered by an intimate partner if there is a firearm in the home. In 62% of the cases reviewed by DVFRB, the victim was shot to death. While the DVFRB acknowledges that not all domestic violence offenders who own guns use them to kill their partner, deaths by firearms in domestic violence cases occur in significant numbers in Kansas. DVFRB supports addressing this issue in Kansas.

The Kansas Sheriff's Association and the Kansas Peace Officers Association both support restrictions on possessing firearms when domestic violence is occurring. They recommend state statutory changes that will mirror federal firearms restrictions in some domestic violence cases. Legislation will be proposed by these associations and the DVFRB supports this legislation.

The DVFRB recommends that additional policies and resources be available to victims of domestic violence that will increase safety in their own homes.

A home is a sanctuary, a place to be safe. Unfortunately, in 75% of the cases reviewed by the DVFRB, the homicide victim was killed in her own home. When victims are seeking safety in their own homes, support and resources need to be available to increase that safety. Often, having new locks or a security system installed or doors and windows repaired and secured can make a difference. Resources should be made available for these types of safety and security measures.

More on Assessments

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The DVFRB acknowledges recommendations can increase costs to all systems and recommends realistic consideration to cost be addressed before implementing new initiatives such as lethality assessments in preparation of the recognition of the increased need for services. In the example of the Johnson County LAP, there was an increase in the need for shelter for domestic violence victims and a more substantial increase in the need for counseling.

To expand on the assessment concept, the board would like to recommend public education of lethality factors.

The board recommends lethality assessment be considered not only in the criminal justice continuum, but also in family law and other professional arenas.

Intimate Partner Homicides and Homicide/Suicides

The Domestic Violence Fatality Review Board reviews cases once the case is completely through the criminal justice system, including all appeals. Only cases of adult intimate partner violence are reviewed by the DVFRB. A total of fifty-three cases of intimate partner homicide and homicide/suicides have been reviewed since 2004. Reviews may include information from many points in the criminal justice system, protection order information, government systems, victim service organizations, employers and co-workers, interviews with family and friends of the victim and the offender in reviewed cases, and interviews with surviving offenders.

The cases reviewed by the DVFRB in 2015 occurred in the years 2009 and 2010. One homicide/suicide was committed in Geary County and one in Johnson County. One homicide was committed in Riley County and the other in Rice County. Three of the couples involved in the cases reviewed in 2015 had no prior law enforcement involvement related to domestic violence before the homicide was committed.

~Janet~

Janet and Daryl were married for 51 years. According to friends and co-workers, Janet was planning to leave Daryl due to years of his controlling behavior and chronic use of alcohol. After a day of shopping with a friend, Janet came home where Daryl killed her in the basement of their home. He then turned the gun on himself committing suicide.

Dangerousness Factors

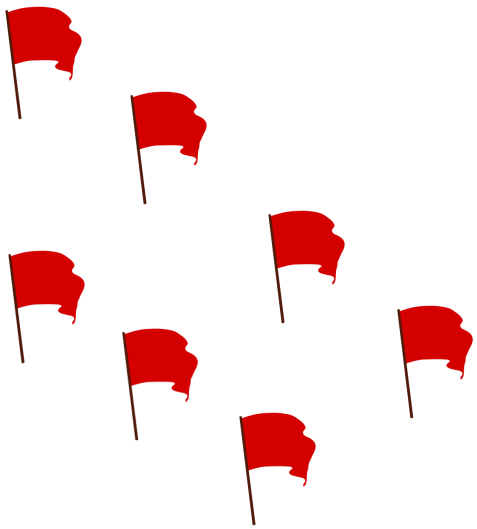
1. ***Janet was in the process of leaving the marriage.***
2. ***Daryl chronically abused alcohol.***
3. ***Daryl had guns in the home.***
4. ***Daryl previously threatened to commit suicide.***
5. ***Daryl previously threatened to kill Janet with his gun.***

Dangerousness Factors

1. ***Joy and Arturo had recently separated.***
2. ***Arturo previously threatened to kill Joy.***
3. ***Arturo had a previous arrest for domestic violence.***
4. ***Arturo was violently jealous of Joy.***
5. ***Arturo was a chronic drug user.***
6. ***Arturo was unemployed.***
7. ***Arturo previously threatened suicide.***

~Joy~

Joy and Arturo were dating and Joy broke off the relationship. Arturo stalked Joy and ignored the Protection from Abuse Order which Joy was granted five days prior to her murder. After a night of drinking, Arturo broke in to Joy's home and stabbed her to death. At the time, Arturo was on probation with Community Corrections for severely beating a former girlfriend. He was convicted of 1st Degree Murder and sentenced to 20 years to Life.

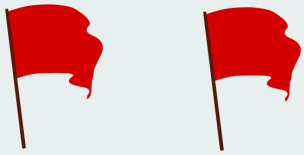


~Elaine~

It is not known how long Elaine and Sam were dating , with reports varying from one month to one year. When Sam did not show up at his place of employment, co-workers went to his house to check on him and found both Sam and Elaine deceased in his apartment. Sam shot and killed Elaine and turned the gun on himself committing suicide.

Dangerousness Factors

1. ***Sam previously threatened suicide.***
2. ***Sam owned guns.***



Dangerousness Factors

1. ***Randy and Mary were recently separated.***
2. ***Randy and Mary had guns in the home.***

~Randy~

Randy and Mary were married for 42 years when they divorced. After a brief separation, Randy moved back in with Mary. After learning Randy was continuing to talk with a girlfriend, Mary shot and killed Randy stating it was accidental. It was determined Randy had been abusive toward Mary during their relationship. Mary was convicted of Involuntary Manslaughter after pleading no contest. She was sentenced to 24 months of probation with a 22 month underlying prison sentence.

Highlighting Progress on Past Recommendations

Victim Services

* *KCSDV received funds from the Allstate foundation for its KANSAS E³ (Economic empowerment Enterprise) project to provide intensive financial literacy and job readiness information and training for victims.*
* *KCSDV partnered with the Kansas Department of Health and Environment to provide training on domestic violence screening and assessment for home visitation workers in pilot sites around Kansas.*
* *KCSDV sponsored the first statewide Primary Prevention of Domestic and Sexual Violence conference in Topeka.*

Tracking Offenses

In FY 2015, 331 cases were designated by the courts in Kansas as domestic violence cases.

Batterers Intervention Programs (BIP)

- *In 2015 there were 32 Certified BIP's in Kansas*
- *4,661 Kansans were served through assessment & services*
- *1,633 victims received notification and were referred to Victim Services*

Corrections

Of 3,224 inmates who entered Kansas prisons in FY 2015, 42% self-disclosed a history of Domestic Violence.

Training

The Kansas Coalition against Sexual & Domestic Violence trained 2,442 people in 2015

The GTEAP Project trained 217 people in 2015

Jana's Campaign trained 14,298 people in 2015